

REMARKS/ARGUMENTS

In light of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1-56 are pending in this application.

Claims 1, 8, 16, 26, 34, and 52 were rejected under 35 U.S.C. §102(e) as being anticipated by Menard et al. (US 6,810,526). Claims 40 and 46 are rejected under 35 U.S.C. §102(e) as being anticipated by Menard et al. (US 6,061,056). The present invention is directed to a receiver for "receiving a **digital radio broadcast** in which the additional information is multiplexed with an audio program; said additional information including at least information of an artist of the audio program." (Claim 1) Hence, the present invention is applicable to music programs broadcast on digital radio. By contrast, Menard '526 and Menard '056 are both directed to a system for monitoring standard television broadcast channels. Accordingly, Menard fails to meet the "digital radio broadcast" and "audio program" limitations recited in the present claims. For at least this reason, Menard '526 and Menard '056 each fail to anticipate the present invention, and the rejected claims should now be allowed.

Claims 1-56 were rejected under 35 U.S.C. §103(a) as being unpatentable over Benyamin et al. (U.S. Patent 6,721,489) in view of Marko et al. (U.S. Patent 6,564,003). The present claims recite "storing the additional information without the audio program in a storage medium only when the preset key information is determined to be included." (Claim 1; all independent claims contain similar limitations) In the *Response to Arguments*, the Examiner explains Benyamin's MP3 audio files include ID3 tags which meet the present invention's additional

information limitation. However, Benyamin does not disclose storing the ID3 tag without the rest of the MP3 file. Hence, Benyamin fails to meet the "storing the additional information without the audio program" limitation as recited in the present claims. Likewise, Marko fails to meet this limitation. Accordingly, for at least this reason, Benyamin and Marko fail to obviate the present invention, and the rejected claims should now be allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

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Respectfully submitted,

By 

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